

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY (CAMDEN)</b>	
<b>RAS Citron, LLC</b> 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 470-321-7112 Attorneys for Secured Creditor <b>U.S. Bank National Association, As Trustee For Lehman XS Trust Mortgage Pass-Through Certificates, Series 2007-2N</b> Harold Kaplan, Esq. (HK-0226)	CASE NO.: 19-25158-ABA  CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
<b>In Re:</b>  <b>Susie L Alston,</b>  <b>Debtor.</b>	

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

U.S. Bank National Association, As Trustee for Lehman XS Trust Mortgage Pass-Through Certificates, Series 2007-2n ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 29), and states as follows:

1. Debtor, Susie L Alston ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on August 5, 2019.
2. Secured Creditor holds a security interest in the Debtor's real property located at 3 Delahaye Rd, Lindenwold, NJ 08021, by virtue of a Mortgage recorded on December 15, 2006 in Book 08415, at Page 0801 of the Public Records of Camden County, NJ. Said Mortgage secures a Note in the amount of \$164,000.00.
3. The Debtor filed a Modified Chapter 13 Plan on January 21, 2020.
4. The Plan includes payments toward the Note and Mortgage with Secured Creditor, however the figures used by the Debtor are inaccurate and do not conform to Secured Creditor's timely-filed Proof of Claim. The correct pre-petition arrearage due Secured Creditor is \$39,333.13, whereas the Plan proposes to pay only \$35,000.00 through a Loan Modification. Therefore, the Plan is not in compliance with the requirements of 11

U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$39,333.13 as the pre-petition arrearage over the life of the plan.

5. Debtor's Plan evidences an intent to seek mortgage modification with Secured Creditor, however, same is not set forth in part 1 of the plan. Further the Plan has no alternative treatment of Secured Creditor's claim. Therefore, Secured Creditor objects to any Plan that does not provide for the full pre-petition amount due Secured Creditor in the event that the loan modification is unsuccessful.
6. Thus far, loan modification has not been offered or approved. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any loan modification efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Dated: February 20, 2020

RAS Citron, LLC  
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By: /s/Harold Kaplan  
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**CERTIFICATION OF SERVICE**

1. I, Harold Kaplan, represent U.S. Bank National Association, As Trustee for Lehman XS Trust Mortgage Pass-Through Certificates, Series 2007-2n in this matter.
2. On February 20, 2020, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: February 20, 2020

RAS Citron, LLC  
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Telephone Number 470-321-7112

By: /s/Harold Kaplan  
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<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Robert Braverman McDowell Law, PC 46 West Main Street Maple Shade, NJ 08034	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
Susie L Alston 3 Delahaye Rd Lindenwold, NJ 08021	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
Isabel C. Balboa Cherry Tree Corporate Center 535 Route 38 - Suite 580 Cherry Hill, NJ 08002	Chapter 13 Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
U.S. Trustee Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)